

## **EXHIBIT 3**

January 22, 1934 letter to the Attorney General from Ethelbert  
Ward, Special Assistant to the Attorney General

WRPT007770

Confirmation - Original sent by air mail

HWB - OAI

215566.

332 Postoffice Building,

Denver, Colorado, Jan. 22, 1934.

U. S. v. Walker River Irrigation District, et al  
U. S. Court, Nevada.

The Attorney General,

Washington, D. C.

Sir:

I enclose herewith a copy of a letter dated Jan. 19, 1934, to me, from E. W. Kronquist, General Foreman, Walker River Indian Reservation. This is a reply to my letter to him dated Jan. 15, 1934, relative to the request of Mr. W. M. Kearney of Reno, for either an agreed statement of facts to submit to Judge St. Sure, or a hearing on the matter of the Government's constructing a reservoir on the Walker River Indian Reservation. I call the attention of the Department to my letter of Jan. 15, with enclosures.

I requested in my letter of Jan. 15 to the Department that I be instructed by the Department what to do in reference to Mr. Kearney's request. I called attention to the fact that the Government's construction of a reservoir on the reservation would be used as an argument that the Government has abandoned any hope for more than 26 second feet with a '59 priority. Another reason I gave was that I am opposed to opening up this case.

Mr. Kronquist writes me:

"If you think that the construction of this reservoir will in any way jeopardize the Government's 1859 right, please advise me and I will advise the Indian office to suspend the work on this project until we have assurance from the defendants in the Walker River suit that our rights will not be jeopardized."

This request of Mr. Kronquist is another reason why I repeat my request that I be instructed by the Department what to do in this matter.

This proposed reservoir construction is in my opinion liable to influence the Judge in accepting as facts the

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statements of pp. 92, 93 and 95 of the so-called House Document No. 767, 69th Congress, 2d Session. The statements in this so-called House Document at the pages referred to are to the effect that if all the waters in Walker River were permitted to flow to the Indian Reservation, there would not be enough water to irrigate more than 4,000 acres of Indian lands. These statements have in my opinion killed the Government's case in the lower courts.

Very respectfully,

*Ethelbert Ward*

Ethelbert Ward,  
Special Assistant to  
the Attorney General.

EW/ELM

PD 024

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